

section 3215, of title 39, upon the request of any Member of the Senate or Member-elect, surviving spouse of any of the foregoing, or other Senate official, entitled to send mail as franked mail under any of those sections. The select committee shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

**(b) Complaint of franked mail violations; investigation; notice and hearing; decision of select committee; enforcement**

Any complaint filed by any person with the select committee that a violation of any section of title 39 referred to in subsection (a) of this section is about to occur or has occurred within the immediately preceding period of one year, by any person referred to in such subsection (a), shall contain pertinent factual material and shall conform to regulations prescribed by the select committee. The select committee, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by the complainant with respect to the matter which is the subject of the complaint. The committee shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the select committee. The select committee shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the select committee. If the select committee finds, in its written decision, that a violation has occurred or is about to occur, the committee may take such action and enforcement as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such other standards as may be prescribed by such committee.

**(c) Administrative or judicial jurisdiction of civil actions respecting franking law violations or abuses of franking privilege dependent on filing of complaint with select committee and rendition of decision by such committee**

Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege by any person listed under subsection (a) of this section as entitled to send mail as franked mail, until a complaint has been filed with the select committee and the committee has rendered a decision under subsection (b) of this section.

**(d) Administrative procedure regulations**

The select committee shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of

individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551 to 559 and 701 to 706, of title 5. These regulations shall govern matters under this subsection subject to judicial review thereof.

**(e) Property of Senate; records of select committee; voting record; location of records, data, and files**

The select committee shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data, and files of the select committee shall be the property of the Senate and shall be kept in the offices of the select committee or such other places as the committee may direct.

(Pub. L. 93-191, § 6, Dec. 18, 1973, 87 Stat. 744; Pub. L. 93-255, § 3(b), Mar. 27, 1974, 88 Stat. 52.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-255 inserted reference to section 3219 of title 39.

EFFECTIVE DATE

Section effective Dec. 18, 1973, see section 14 of Pub. L. 93-191, set out as an Effective Date of 1973 Amendment note under section 3210 of Title 39, Postal Service.

**CHAPTER 17—CONGRESSIONAL BUDGET OFFICE**

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**§ 601. Establishment**

**(a) In general**

(1) There is established an office of the Congress to be known as the Congressional Budget Office (hereinafter in this chapter referred to as the "Office"). The Office shall be headed by a Director; and there shall be a Deputy Director who shall perform such duties as may be assigned to him by the Director and, during the absence or incapacity of the Director or during a vacancy in that office, shall act as Director.

(2) The Director shall be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate after considering recommendations received from the Committees on the Budget of the House and the Senate, without regard to political affiliation and solely on the basis of his fitness to perform his duties. The Deputy Director shall be appointed by the Director.

(3) The term of office of the Director shall be 4 years and shall expire on January 3 of the year preceding each Presidential election. Any individual appointed as Director to fill a vacancy prior to the expiration of a term shall serve only for the unexpired portion of that term. An individual serving as Director at the expiration of a term may continue to serve until his successor is appointed. Any Deputy Director shall serve until the expiration of the term of office of the Director who appointed him (and until his successor is appointed), unless sooner removed by the Director.

(4) The Director may be removed by either House by resolution.

(5)(A) The Director shall receive compensation at an annual rate of pay that is equal to the lower of—

(i) the highest annual rate of compensation of any officer of the Senate; or

(ii) the highest annual rate of compensation of any officer of the House of Representatives.

(B) The Deputy Director shall receive compensation at an annual rate of pay that is \$1,000 less than the annual rate of pay received by the Director, as determined under subparagraph (A).

#### **(b) Personnel**

The Director shall appoint and fix the compensation of such personnel as may be necessary to carry out the duties and functions of the Office. All personnel of the Office shall be appointed without regard to political affiliation and solely on the basis of their fitness to perform their duties. The Director may prescribe the duties and responsibilities of the personnel of the Office, and delegate to them authority to perform any of the duties, powers, and functions imposed on the Office or on the Director. For purposes of pay (other than pay of the Director and Deputy Director) and employment benefits, rights, and privileges, all personnel of the Office shall be treated as if they were employees of the House of Representatives.

#### **(c) Experts and consultants**

In carrying out the duties and functions of the Office, the Director may procure the temporary (not to exceed one year) or intermittent services of experts or consultants or organizations thereof by contract as independent contractors, or, in the case of individual experts or consultants, by employment at rates of pay not in excess of the daily equivalent of the highest rate of basic pay payable under the General Schedule of section 5332 of title 5.

#### **(d) Relationship to executive branch**

The Director is authorized to secure information, data, estimates, and statistics directly from the various departments, agencies, and establishments of the executive branch of Government and the regulatory agencies and commissions of the Government. All such departments, agencies, establishments, and regulatory agencies and commissions shall furnish the Director any available material which he determines to be necessary in the performance of his duties and functions (other than material the disclosure of which would be a violation of law). The Director is also authorized, upon agreement with the head of any such department, agency,

establishment, or regulatory agency or commission, to utilize its services, facilities, and personnel with or without reimbursement; and the head of each such department, agency, establishment, or regulatory agency or commission is authorized to provide the Office such services, facilities, and personnel.

#### **(e) Relationship to other agencies of Congress**

In carrying out the duties and functions of the Office, and for the purpose of coordinating the operations of the Office with those of other congressional agencies with a view to utilizing most effectively the information, services, and capabilities of all such agencies in carrying out the various responsibilities assigned to each, the Director is authorized to obtain information, data, estimates, and statistics developed by the Government Accountability Office,<sup>1</sup> and the Library of Congress, and (upon agreement with them) to utilize their services, facilities, and personnel with or without reimbursement. The Comptroller General,<sup>1</sup> and the Librarian of Congress are authorized to provide the Office with the information, data, estimates, and statistics, and the services, facilities, and personnel, referred to in the preceding sentence.

#### **(f) Revenue estimates**

For the purposes of revenue legislation which is income, estate and gift, excise, and payroll taxes (i.e., Social Security), considered or enacted in any session of Congress, the Congressional Budget Office shall use exclusively during that session of Congress revenue estimates provided to it by the Joint Committee on Taxation. During that session of Congress such revenue estimates shall be transmitted by the Congressional Budget Office to any committee of the House of Representatives or the Senate requesting such estimates, and shall be used by such Committees in determining such estimates. The Budget Committees of the Senate and House shall determine all estimates with respect to scoring points of order and with respect to the execution of the purposes of this Act.

#### **(g) Authorization of appropriations**

There are authorized to be appropriated to the Office for each fiscal year such sums as may be necessary to enable it to carry out its duties and functions. Until sums are first appropriated pursuant to the preceding sentence, but for a period not exceeding 12 months following the effective date of this subsection, the expenses of the Office shall be paid from the contingent fund of the Senate, in accordance with section 68 of this title, and upon vouchers approved by the Director.

(Pub. L. 93-344, title II, §201, July 12, 1974, 88 Stat. 302; Pub. L. 99-177, title II, §273, Dec. 12, 1985, 99 Stat. 1098, renumbered §201(g) of Pub. L. 93-344, Pub. L. 101-508, title XIII, §13202(b), Nov. 5, 1990, 104 Stat. 1388-615; Pub. L. 101-508, title XIII, §13202(a), (c), Nov. 5, 1990, 104 Stat. 1388-615; Pub. L. 105-33, title X, §10102, Aug. 5, 1997, 111 Stat. 678; Pub. L. 106-113, div. B, §1000(a)(5) [title II, §224], Nov. 29, 1999, 113 Stat. 1536, 1501A-299; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

<sup>1</sup> So in original. Comma probably should not appear.

## REFERENCES IN TEXT

This Act, referred to in subsec. (f), means Pub. L. 93-344, July 12, 1974, 88 Stat. 297, as amended, known as the Congressional Budget and Impoundment Control Act of 1974, which enacted chapters 17, 17A and 17B, and section 190a-3 of this title and sections 11a, 11c, 11d, 1020a of former Title 31, Money and Finance, amended sections 11, 665, 701, 1020, 1151, 1152, 1153, and 1154 of former Title 31, section 105 of Title 1, General Provisions, sections 190b and 190d of this title, repealed sections 571 and 581c-1 of former Title 31, and sections 66 and 81 of this title, and enacted provisions set out as notes under sections 190a-1, 621, 632, and 682 of this title, section 105 of Title 1, and section 1020 of former Title 31. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

## CODIFICATION

Pub. L. 101-508, §12302(b), transferred section 273 of Pub. L. 99-177, which was classified to section 921 of this title, to subsec. (g) (now (f)) of this section, relating to revenue estimates.

## AMENDMENTS

2004—Subsec. (e), Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

1999—Subsec. (a)(5), Pub. L. 106-113 amended par. (5) generally. Prior to amendment, par. (5) read as follows: “The Director shall receive compensation at a per annum gross rate equal to the rate of basic pay, as in effect from time to time, for level III of the Executive Schedule in section 5314 of title 5. The Deputy Director shall receive compensation at a per annum gross rate equal to the rate of basic pay, as so in effect, for level IV of the Executive Schedule in section 5315 of such title.”

1997—Subsec. (a)(3), Pub. L. 105-33, §10102(a), substituted “The term of office of the Director shall be 4 years and shall expire on January 3 of the year preceding each Presidential election.” for “The term of office of the Director first appointed shall expire at noon on January 3, 1979, and the terms of office of Directors subsequently appointed shall expire at noon on January 3 of each fourth year thereafter.”

Subsec. (e), Pub. L. 105-33, §10102(b), inserted “and” before “the Library”, struck out “and the Office of Technology Assessment,” after “Library of Congress,” inserted “and” before “the Librarian”, and struck out “, and the Technology Assessment Board” after “Librarian of Congress”.

Subsecs. (f), (g), Pub. L. 105-33, §10102(c), redesignated subsec. (g), relating to revenue estimates, as (f).

1990—Subsec. (f), Pub. L. 101-508, §13202(a), redesignated subsec. (f), relating to authorization of appropriations, as (g).

Subsec. (g), Pub. L. 101-508, §13202(a), redesignated subsec. (f), relating to authorization of appropriations, as (g).

Pub. L. 101-508, §12302(b), (c), redesignated section 921 of this title as subsec. (g) of this section, inserted heading “Revenue estimates” and substituted “this Act” for “this title and the Congressional Budget and Impoundment Control Act of 1974”.

## EFFECTIVE DATE

Subsec. (a) effective July 12, 1974, see section 905(a) of Pub. L. 93-344, and subsecs. (b) to (f) effective on day on which first Director of Congressional Budget Office is appointed under subsec. (a), see section 905(a), (b) of Pub. L. 93-344, formerly set out as a note under section 621 of this title.

## SHORT TITLE

Pub. L. 93-344, which enacted this chapter, to be cited in its entirety as the “Congressional Budget and Impoundment Control Act of 1974”, with titles I through

IX thereof to be cited as the “Congressional Budget Act of 1974”, see section 1(a) of Pub. L. 93-344, set out as a note under section 621 of this title.

## REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

## § 602. Duties and functions

## (a) Assistance to budget committees

It shall be the primary duty and function of the Office to provide to the Committees on the Budget of both Houses information which will assist such committees in the discharge of all matters within their jurisdictions, including (1) information with respect to the budget, appropriation bills, and other bills authorizing or providing new budget authority or tax expenditures, (2) information with respect to revenues, receipts, estimated future revenues and receipts, and changing revenue conditions, and (3) such related information as such Committees may request.

## (b) Assistance to Committees on Appropriations, Ways and Means, and Finance

At the request of the Committee on Appropriations of either House, the Committee on Ways and Means of the House of Representatives, or the Committee on Finance of the Senate, the Office shall provide to such Committee any information which will assist it in the discharge of matters within its jurisdiction, including information described in clauses (1) and (2) of subsection (a) of this section and such related information as the Committee may request.

## (c) Assistance to other committees and Members

(1) At the request of any other committee of the House of Representatives or the Senate or any joint committee of the Congress, the Office shall provide to such committee or joint committee any information compiled in carrying out clauses (1) and (2) of subsection (a) of this section, and, to the extent practicable, such additional information related to the foregoing as may be requested.

(2) At the request of any committee of the Senate or the House of Representatives, the Office shall, to the extent practicable, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

(A) a significant budgetary impact on State, local, or tribal governments;

(B) a significant financial impact on the private sector; or

(C) a significant employment impact on the private sector.

(3) At the request of any Member of the House or Senate, the Office shall provide to such Member any information compiled in carrying out clauses (1) and (2) of subsection (a) of this section, and, to the extent available, such additional information related to the foregoing as may be requested.

**(d) Assignment of office personnel to committees and joint committees**

At the request of the Committee on the Budget of either House, personnel of the Office shall be assigned, on a temporary basis, to assist such committee. At the request of any other committee of either House or any joint committee of the Congress, personnel of the Office may be assigned, on a temporary basis, to assist such committee or joint committee with respect to matters directly related to the applicable provisions of subsection (b) or (c) of this section.

**(e) Reports to budget committees**

(1) On or before February 15 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate a report, for the fiscal year commencing on October 1 of that year, with respect to fiscal policy, including (A) alternative levels of total revenues, total new budget authority, and total outlays (including related surpluses and deficits), (B) the levels of tax expenditures under existing law, taking into account projected economic factors and any changes in such levels based on proposals in the budget submitted by the President for such fiscal year, and (C) a statement of the levels of budget authority and outlays for each program assumed to be extended in the baseline, as provided in section 907(b)(2)(A) of this title and for excise taxes assumed to be extended under section 907(b)(2)(C) of this title. Such report shall also include a discussion of national budget priorities, including alternative ways of allocating new budget authority and budget outlays for such fiscal year among major programs or functional categories, taking into account how such alternative allocations will meet major national needs and affect balanced growth and development of the United States.

(2) The Director shall from time to time submit to the Committees on the Budget of the House of Representatives and the Senate such further reports (including reports revising the report required by paragraph (1)) as may be necessary or appropriate to provide such Committees with information, data, and analyses for the performance of their duties and functions.

(3) On or before January 15 of each year, the Director, after consultation with the appropriate committees of the House of Representatives and Senate, shall submit to the Congress a report listing (A) all programs and activities funded during the fiscal year ending September 30 of that calendar year for which authorizations for appropriations have not been enacted for that fiscal year, and (B) all programs and activities for which authorizations for appropriations have been enacted for the fiscal year ending September 30 of that calendar year, but for which no authorizations for appropriations have been enacted for the fiscal year beginning October 1 of that calendar year.

**(f) Use of computers and other techniques**

The Director may equip the Office with up-to-date computer capability (upon approval of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate), obtain the

services of experts and consultants in computer technology, and develop techniques for the evaluation of budgetary requirements.

**(g) Studies**

**(1) Continuing studies**

The Director of the Congressional Budget Office shall conduct continuing studies to enhance comparisons of budget outlays, credit authority, and tax expenditures.

**(2) Federal mandate studies**

(A) At the request of any Chairman or ranking member of the minority of a Committee of the Senate or the House of Representatives, the Director shall, to the extent practicable, conduct a study of a legislative proposal containing a Federal mandate.

(B) In conducting a study on intergovernmental mandates under subparagraph (A), the Director shall—

(i) solicit and consider information or comments from elected officials (including their designated representatives) of State, local, or tribal governments as may provide helpful information or comments;

(ii) consider establishing advisory panels of elected officials or their designated representatives, of State, local, or tribal governments if the Director determines that such advisory panels would be helpful in performing responsibilities of the Director under this section; and

(iii) if, and to the extent that the Director determines that accurate estimates are reasonably feasible, include estimates of—

(I) the future direct cost of the Federal mandate to the extent that such costs significantly differ from or extend beyond the 5-year period after the mandate is first effective; and

(II) any disproportionate budgetary effects of Federal mandates upon particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities, as appropriate.

(C) In conducting a study on private sector mandates under subparagraph (A), the Director shall provide estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—

(i) future costs of Federal private sector mandates to the extent that such mandates differ significantly from or extend beyond the 5-year time period referred to in subparagraph (B)(iii)(I);

(ii) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon any particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

(iii) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services.

(Pub. L. 93-344, title II, §202, July 12, 1974, 88 Stat. 304; Pub. L. 99-177, title II, §221, Dec. 12, 1985, 99 Stat. 1060; Pub. L. 101-508, title XIII, §13112(a)(3), Nov. 5, 1990, 104 Stat. 1388-608; Pub. L. 104-4, title I, §102(1), Mar. 22, 1995, 109 Stat. 60; Pub. L. 104-186, title II, §213, Aug. 20, 1996, 110 Stat. 1745; Pub. L. 105-33, title X, §10103, Aug. 5, 1997, 111 Stat. 678.)

#### AMENDMENTS

1997—Subsec. (a). Pub. L. 105-33, §10103(a), inserted “primary” before “duty” in first sentence.

Subsec. (e). Pub. L. 105-33, §10103(b), redesignated subsec. (f) as (e) and struck out heading and text of former subsec. (e). Text of par. (1) of subsec. (e) read as follows: “The duties, functions, and personnel of the Joint Committee on Reduction of Federal Expenditures are transferred to the Office, and the Joint Committee is abolished.” Par. (2) of subsec. (e) repealed section 571 of former Title 31, Money and Finance.

Subsec. (e)(1)(C). Pub. L. 105-33, §10103(c), added subpar. (C).

Subsecs. (f) to (h). Pub. L. 105-33, §10103(b), redesignated subsecs. (g) and (h) as (f) and (g), respectively.

1996—Subsec. (g). Pub. L. 104-186 substituted “House Oversight” for “House Administration”.

1995—Subsec. (c)(2), (3). Pub. L. 104-4, §102(1)(A), added par. (2) and redesignated former par. (2) as (3).

Subsec. (h). Pub. L. 104-4, §102(1)(B), amended heading and text of subsec. (h) generally. Prior to amendment, text read as follows: “The Director shall conduct continuing studies to enhance comparisons of budget outlays, credit authority, and tax expenditures.”

1990—Subsecs. (a)(1), (f)(1). Pub. L. 101-508 substituted “new budget authority” for “budget authority” in subsec. (a)(1) and second sentence of subsec. (f)(1).

1985—Subsec. (f)(1). Pub. L. 99-177, §221(a), substituted “February 15” for “April 1”.

Subsec. (f)(3). Pub. L. 99-177, §221(b), added par. (3).

Subsec. (h). Pub. L. 99-177, §221(c), added subsec. (h).

#### CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

#### EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-4 effective Jan. 1, 1996, or on the date 90 days after appropriations are made available as authorized under section 1516 of this title, whichever is earlier, and applicable to legislation considered on and after such date, see section 110 of Pub. L. 104-4, set out as an Effective Date note under section 1511 of this title.

#### EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-177 effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub. L. 99-177, set out as an Effective and Termination Dates note under section 900 of this title.

#### EFFECTIVE DATE

Section effective on day on which first Director of Congressional Budget Office is appointed under section 601(a) of this title, see section 905(b) of Pub. L. 93-344, formerly set out as a note under section 621 of this title.

#### CREDIT REFORM

Pub. L. 100-119, title II, §212, Sept. 29, 1987, 101 Stat. 787, provided that the Congressional Budget Office, in consultation with the General Accounting Office, was to study and report to Congress, as soon as practicable, on Federal direct loan and loan guarantee programs for fiscal years 1987 and 1988.

### § 603. Public access to budget data

#### (a) Right to copy

Except as provided in subsections (c), (d), and (e) of this section, the Director shall make all information, data, estimates, and statistics obtained under section 601(d) and (e) of this title available for public copying during normal business hours, subject to reasonable rules and regulations, and shall to the extent practicable, at the request of any person, furnish a copy of any such information, data, estimates, or statistics upon payment by such person of the cost of making and furnishing such copy.

#### (b) Index

The Director shall develop and maintain filing, coding, and indexing systems that identify the information, data, estimates, and statistics to which subsection (a) of this section applies and shall make such systems available for public use during normal business hours.

#### (c) Exceptions

Subsection (a) of this section shall not apply to information, data, estimates, and statistics—

(1) which are specifically exempted from disclosure by law; or

(2) which the Director determines will disclose—

(A) matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) information relating to trade secrets or financial or commercial information pertaining specifically to a given person if the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(C) personnel or medical data or similar data the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

unless the portions containing such matters, information, or data have been excised.

#### (d) Information obtained for committees and Members

Subsection (a) of this section shall apply to any information, data, estimates, and statistics obtained at the request of any committee, joint committee, or Member unless such committee, joint committee, or Member has instructed the Director not to make such information, data, estimates, or statistics available for public copying.

#### (e) Level of confidentiality

With respect to information, data, estimates, and statistics obtained under sections 601(d) and 601(e) of this title, the Director shall maintain the same level of confidentiality as is required by law of the department, agency, establishment, or regulatory agency or commission from which it is obtained. Officers and employees of the Congressional Budget Office shall be subject to the same statutory penalties for unauthorized

disclosure or use as officers or employees of the department, agency, establishment, or regulatory agency or commission from which it is obtained.

(Pub. L. 93-344, title II, §203, July 12, 1974, 88 Stat. 305; Pub. L. 106-554, §1(a)(7) [title III, §310(b)], Dec. 21, 2000, 114 Stat. 2763, 2763A-639.)

#### AMENDMENTS

2000—Subsec. (a). Pub. L. 106-554, §1(a)(7) [title III, §310(b)(2)], substituted “subsections (c), (d), and (e)” for “subsections (c) and (d)”.

Subsec. (e). Pub. L. 106-554, §1(a)(7) [title III, §310(b)(1)], added subsec. (e).

#### EFFECTIVE DATE

Section effective on day on which first Director of Congressional Budget Office is appointed under section 601(a) of this title, see section 905(b) of Pub. L. 93-344, formerly set out as a note under section 621 of this title.

### § 604. Omitted

#### CODIFICATION

Section, Pub. L. 94-440, title V, §500, Oct. 1, 1976, 90 Stat. 1452, the Legislative Appropriation Act, 1977, which authorized the Congressional Budget Office to contract without regard to section 5 of Title 41, Public Contracts, applied to fiscal year 1977 and was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation act:

Pub. L. 94-157, title I, Dec. 18, 1975, 89 Stat. 834.

### § 605. Sale or lease of property, supplies, or services

(a) Any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease to the Congress subject to section 111b of this title.

(b) Subsection (a) of this section shall apply with respect to fiscal years beginning after September 30, 1996.

(Pub. L. 104-197, title I, §104, Sept. 16, 1996, 110 Stat. 2404.)

#### REFERENCES IN TEXT

Section 111b of this title, referred to in subsec. (a), was in the original a reference to section 903 of the Supplemental Appropriations Act, 1983, Pub. L. 98-63, title I, July 30, 1983, 97 Stat. 336, which is classified to section 111b of this title and in part as a note set out under section 111b of this title.

#### CODIFICATION

Section was enacted as part of the appropriation act cited as the credit to this section, and not as part of title II of the Congressional Budget and Impoundment Control Act of 1974 which comprises this chapter.

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 104-53, title I, Nov. 19, 1995, 109 Stat. 527.  
 Pub. L. 103-283, title I, July 22, 1994, 108 Stat. 1433.  
 Pub. L. 103-69, title I, Aug. 11, 1993, 107 Stat. 701.  
 Pub. L. 102-392, title I, Oct. 6, 1992, 106 Stat. 1713.  
 Pub. L. 102-90, title I, Aug. 14, 1991, 105 Stat. 458.  
 Pub. L. 101-520, title I, Nov. 5, 1990, 104 Stat. 2266.  
 Pub. L. 101-163, title I, Nov. 21, 1989, 103 Stat. 1054.  
 Pub. L. 100-458, title I, Oct. 1, 1988, 102 Stat. 2169.  
 Pub. L. 100-202, §101(i) [title I], Dec. 22, 1987, 101 Stat. 1329-290, 1329-300.

Pub. L. 99-500, §101(j) [H.R. 5203, title I], Oct. 18, 1986, 100 Stat. 1783-287, and Pub. L. 99-591, §101(j), Oct. 30, 1986, 100 Stat. 3341-287.

Pub. L. 99-151, title I, Nov. 13, 1985, 99 Stat. 800.  
 Pub. L. 98-367, title I, July 17, 1984, 98 Stat. 482.

### § 606. Disposition of surplus or obsolete property

(a) The Director of the Congressional Budget Office shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by inter-agency transfer, donation, sale, trade-in, or discarding. Amounts received for the sale or trade-in of personal property shall be credited to funds available for the operations of the Congressional Budget Office and be available for the costs of acquiring the same or similar property. Such funds shall be available for such purposes during the fiscal year in which received and the following fiscal year.

(b) Subsection (a) of this section shall apply with respect to fiscal years beginning after September 30, 1996.

(Pub. L. 104-197, title I, §105, Sept. 16, 1996, 110 Stat. 2404; Pub. L. 107-68, title I, §126, Nov. 12, 2001, 115 Stat. 577.)

#### CODIFICATION

Section was enacted as part of the appropriation act cited as the credit to this section, and not as part of title II of the Congressional Budget and Impoundment Control Act of 1974 which comprises this chapter.

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 104-53, title I, Nov. 19, 1995, 109 Stat. 527.  
 Pub. L. 103-283, title I, July 22, 1994, 108 Stat. 1433.  
 Pub. L. 103-69, title I, Aug. 11, 1993, 107 Stat. 701.

#### AMENDMENTS

2001—Subsec. (a). Pub. L. 107-68 substituted “sale, trade-in, or discarding” for “or discarding” and inserted at end “Amounts received for the sale or trade-in of personal property shall be credited to funds available for the operations of the Congressional Budget Office and be available for the costs of acquiring the same or similar property. Such funds shall be available for such purposes during the fiscal year in which received and the following fiscal year.”

### § 607. Lump-sum payments for annual leave to separated employees

(a) The Director of the Congressional Budget Office shall have the authority to make lump-sum payments to separated employees of the Congressional Budget Office for unused annual leave.

(b) Subsection (a) of this section shall apply with respect to fiscal years beginning after September 30, 1996.

(Pub. L. 104-197, title I, §106, Sept. 16, 1996, 110 Stat. 2404.)

#### CODIFICATION

Section was enacted as part of the Congressional Operations Appropriations Act, 1997, which is title I of the Legislative Branch Appropriations Act, 1997, and not as part of title II of the Congressional Budget and Impoundment Control Act of 1974 which comprises this chapter.

### § 608. Lump-sum payments to enhance staff recruitment and to reward exceptional performance

(a) The Director of the Congressional Budget Office shall have the authority to make lump-

sum payments to enhance staff recruitment and to reward exceptional performance by an employee or a group of employees.

(b) Subsection (a) of this section shall apply with respect to fiscal years beginning after September 30, 1999.

(Pub. L. 106–57, title I, §106, Sept. 29, 1999, 113 Stat. 418.)

#### CODIFICATION

Section was enacted as part of the Congressional Operations Appropriations Act, 2000, which is title I of the Legislative Branch Appropriations Act, 2000, and not as part of title II of the Congressional Budget and Impoundment Control Act of 1974 which comprises this chapter.

### § 609. Employee training

#### (a) In general

The Director of the Congressional Budget Office may, by regulation, make applicable such provisions of chapter 41 of title 5 as the Director determines necessary to provide on and after November 12, 2001, for training of individuals employed by the Congressional Budget Office.

#### (b) Regulations

The implementing regulations shall provide for training that, in the determination of the Director, is consistent with the training provided by agencies subject to chapter 41 of title 5.

#### (c) Recovery of debt

Any recovery of debt owed to the Congressional Budget Office under this section and its implementing regulations shall be credited to the appropriations account available for salaries and expenses of the Office at the time of recovery.

#### (d) Applicability

This section shall apply to fiscal year 2002 and each fiscal year thereafter.

(Pub. L. 107–68, title I, §125, Nov. 12, 2001, 115 Stat. 577.)

#### CODIFICATION

Section was enacted as part of the Congressional Operations Appropriations Act, 2002, which is title I of the Legislative Branch Appropriations Act, 2002, and not as part of title II of the Congressional Budget and Impoundment Control Act of 1974 which comprises this chapter.

### § 610. Repayment of student loan on behalf of employee

#### (a) Authorization

The Director of the Congressional Budget Office may, in order to recruit or retain qualified personnel, establish and maintain on and after November 12, 2001, a program under which the Office may agree to repay (by direct payments on behalf of the employee) all or a portion of any student loan previously taken out by such employee.

#### (b) Regulations

The Director may, by regulation, make applicable such provisions of section 5379 of title 5 as the Director determines necessary to provide for such program.

#### (c) Maximum amount

The regulations shall provide the amount paid by the Office may not exceed—

- (1) \$6,000 for any employee in any calendar year; or
- (2) a total of \$40,000 in the case of any employee.

#### (d) Limitation

The Office may not reimburse an employee for any repayments made by such employee prior to the Office entering into an agreement under this section with such employee.

#### (e) Accounting

Any amount repaid by, or recovered from, an individual under this section and its implementing regulations shall be credited to the appropriation account available for salaries and expenses of the Office at the time of repayment or recovery.

#### (f) Applicability

This section shall apply to fiscal year 2002 and each fiscal year thereafter.

(Pub. L. 107–68, title I, §127, Nov. 12, 2001, 115 Stat. 577.)

#### CODIFICATION

Section was enacted as part of the Congressional Operations Appropriations Act, 2002, which is title I of the Legislative Branch Appropriations Act, 2002, and not as part of title II of the Congressional Budget and Impoundment Control Act of 1974 which comprises this chapter.

### § 611. Employee development program

#### (a) Establishment

The Director of the Congressional Budget Office may, by regulation, make applicable such provisions of section 3396 of title 5 as the Director determines necessary to establish a program providing opportunities for employees of the Office to engage in details or other temporary assignments in other agencies, study, or uncompensated work experience which will contribute to the employees' development and effectiveness.

#### (b) Effective date

This section shall apply to fiscal year 2003 and each fiscal year thereafter.

(Pub. L. 108–7, div. H, title I, §1101, Feb. 20, 2003, 117 Stat. 370.)

#### CODIFICATION

Section was enacted as part of the Legislative Branch Appropriations Act, 2003, which is div. H of the Consolidated Appropriations Resolution, 2003, and not as part of title II of the Congressional Budget and Impoundment Control Act of 1974 which comprises this chapter.

#### EXECUTIVE EXCHANGE PROGRAM FOR THE CONGRESSIONAL BUDGET OFFICE

Pub. L. 110–161, div. H, title I, §1201, Dec. 26, 2007, 121 Stat. 2238, as amended by Pub. L. 111–68, div. A, title I, §1201, Oct. 1, 2009, 123 Stat. 2032, which established an executive exchange program and was formerly set out as a note under this section, was transferred to section 612 of this title.

### § 612. Executive exchange program

#### (a) In general

The Director of the Congressional Budget Office may establish and conduct an executive ex-

change program under which employees of the Office may be assigned to private sector organizations, and employees of private sector organizations may be assigned to the Office, for 1-year periods to further the institutional interests of the Office or Congress, including for the purpose of providing training to officers and employees of the Office.

**(b) Limitations and conditions**

The Director of the Congressional Budget Office shall—

- (1) limit the number of officers and employees who are assigned to private sector organizations at any one time to not more than 5;
- (2) limit the number of employees from private sector organizations who are assigned to the Office at any one time to not more than 5;
- (3) require that an employee of a private sector organization assigned to the Office may not have access to any trade secrets or to any other nonpublic information which is of commercial value to the private sector organization from which such employee is assigned; and
- (4) approve employees to be detailed from the private sector without regard to political affiliation and solely on the basis of their fitness to perform their assigned duties.

**(c) Treatment of private employees**

An employee of a private sector organization assigned to the Office under the executive exchange program shall be considered to be an employee of the Office for purposes of—

- (1) chapter 73 of title 5;
- (2) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18;
- (3) sections 1343, 1344, and 1349(b) of title 31;
- (4) chapter 171 of title 28 (commonly referred to as the “Federal Tort Claims Act”) and any other Federal tort liability statute;
- (5) the Ethics in Government Act of 1978 (5 U.S.C. App.); and
- (6) section 1043 of title 26.

**(d) Effective date**

This section shall apply to fiscal year 2008 and each fiscal year thereafter.

(Pub. L. 110–161, div. H, title I, §1201, Dec. 26, 2007, 121 Stat. 2238; Pub. L. 111–68, div. A, title I, §1201, Oct. 1, 2009, 123 Stat. 2032.)

REFERENCES IN TEXT

The Ethics in Government Act of 1978, referred to in subsec. (c)(5), is Pub. L. 95–521, Oct. 26, 1978, 92 Stat. 1824. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Pub. L. 95–521 in the Appendix to Title 5, Government Organization and Employees, and Tables.

CODIFICATION

Section was enacted as part of the Legislative Branch Appropriations Act, 2008, which is div. H of the Consolidated Appropriations Act, 2008, and not as part of title II of the Congressional Budget and Impoundment Control Act of 1974 which comprises this chapter.

Section was formerly set out as a note under section 611 of this title.

AMENDMENTS

2009—Subsec. (b)(1), (2). Pub. L. 111–68, §1201(1), substituted “5” for “3”.

Subsecs. (d), (e). Pub. L. 111–68, §1201(2), (3), redesignated subsec. (e) as (d), substituted “This” for “Subject to subsection (d), this”, and struck out former subsec. (d). Prior to amendment, text of subsec. (d) read as follows: “No assignment under this section shall commence after the end of the 2-year period beginning on December 26, 2007.”

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